

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

OLAMIDE OLATAYO BELLO,
#65100510

VS.

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:24cv435
CRIMINAL ACTION NO. 4:23cr136(1)

ORDER OF DISMISSAL

This case was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (Dkt. #11) recommending that the Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 be dismissed without prejudice. Movant filed objections.¹ (Dkt. #13).

In the objections, Movant complains of alleged constitutional violations concerning his underlying pending criminal proceedings. Movant does not address the Magistrate Judge's findings that the § 2255 motion is premature because his criminal charges remain pending. Movant's objections are non-responsive to the Magistrate Judge's Report and Recommendation and are without merit.

The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Movant to the Report and Recommendation, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court.

¹ The document, which is over twenty pages long and includes a twenty-one page appendix, well exceeds the Local Rules' eight-page limit for such filings. *See* Local Rule CV-72(c) ("Objections to reports and recommendations and any response thereto shall not exceed eight pages.").

It is therefore **ORDERED** the Motion to Vacate, Set Aside, or Correct Sentence is **DISMISSED** without prejudice. It is further **ORDERED** a certificate of appeal ability is **DENIED**. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 7th day of August, 2024.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE